

Storer (H.R.)

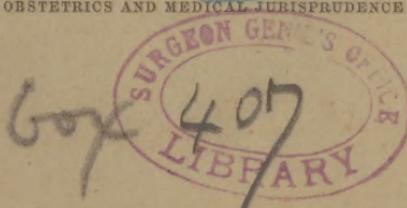
REPORT

OF THE

DELEGATE TO THE ASSOCIATION OF SUPER-
INTENDENTS OF ASYLUMS FOR THE
INSANE, FOR 1865-66,

DR. H. R. STORER, OF BOSTON,

PROF. OF OBSTETRICS AND MEDICAL JURISPRUDENCE IN BERKSHIRE MEDICAL COLLEGE.



EXTRACTED FROM THE
TRANSACTIONS OF THE AMERICAN MEDICAL ASSOCIATION.

PHILADELPHIA:
COLLINS, PRINTER, 705 JAYNE STREET.
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AT the last meeting of this Association the undersigned was appointed its delegate to the Association of Medical Superintendents of American Institutions for the Insane, for the purpose of urging upon that body the advantages of a more intimate union with your own, alike for the purposes of science and effectual practice. Having attended to the duty confided to him, he would render the following report:—

Four days after your own adjournment, your delegate met the associated superintendents at Pittsburg, Pa., and communicated to them your expressed desire, urging, at the same time, the mutual advantage that would ensue to both parties interested, themselves and yourselves, from the action proposed. He was very courteously received and hospitably entertained by the Association of Superintendents, and your request was listened to with the respect that its importance demanded, many gentlemen seeming alive to the necessity that the proposed union should be effected. When, however, the question was taken, your proposal was not acceded to, and a different time and place than your own were fixed for the meeting of the superintendents the present year.

By his action in the premises, your delegate might seem relieved from further remark. Having discussed this matter, however, as he has done, with the gentlemen comprising the offstanding association, and become familiar with their temper and opinions upon this very important subject, he would have but half fulfilled his duty did he refrain from expressing his views concerning the present position. He does this the more cheerfully, from the fact that the recent meeting of the superintendents at Washington, though not held in accordance with your desire, has permitted a larger number of superintendents than usual to attend your own convocation; and though, by their action, it has been rendered impossible for you to send a delegate to their meeting of the present year, as

you decided by vote to continue to do until the proposed union shall have been effected, the opportunity has been afforded for you to reiterate your opinion, not through a delegate merely, but in your own persons, as now assembled.

The views referred to naturally subdivide themselves according as they relate—1st, to the welfare of this Association; 2dly, to that of the profession at large; 3dly, to that of the great class of sick persons more directly interested in your action, namely, the insane; 4thly, to that of the community; and it might be added, 5thly, to that of the superintendents of asylums themselves.

1. Of what advantage is it to this Association that it represent, in reality, the profession of the country? It would, at first sight, seem that this question could hardly have been soberly asked, its answer is so very evident; and yet, practically, its discussion at the present moment and in the present connection is well worthy your attention. In this brief report, however, there can be offered but a very few words.

That a house divided against itself cannot stand, is as true in your affairs as in those of other men. The position of the Association of Superintendents towards your own organization is unlike that of the ordinary medical bodies represented in your councils by delegates. It is itself a great centralizing power, effectual, to a certain extent, no doubt, for good; effectual also for harm. Its conferences have been the means of eliciting an immense deal of important information concerning the hygienic management and economic detail of asylums; which could, however, with equal, and indeed greater, advantage have been presented through your own channel. On the other hand, these communications have not been presented directly to the profession; few of whom, indeed, do they reach at all. The Association of Superintendents and its official publication—the one composed of, and the other conducted by, however competent men—constitute, in reality, a partition-wall between the very important department of the profession they represent and your own great body of workers, the profession at large.

In all specialties—and the care of the insane is but such—the practitioner has little reason to separate himself from his fellows. He is incompetent for his work unless he has himself been tried in the furnace of general practice; he is unfit for it if he is unwilling to freely communicate with the mass of his profession. Researches merely for the benefit of a limited circle, publications

merely for a few selected readers, alike fail of the two great ends that alone should be sought by the true physician—the general edification of his professional brethren, and the general relief of those sick persons whom he professes to wish to cure.

Viewed in this light, the profession and this Association, its representative, have a right to claim, from every one of its members, individual and combined efforts for the general good; and, looking upon separate and close organizations with a certain measure of very natural distrust, it is clearly your duty to use such measures as may afford themselves to claim for this body a more hearty allegiance.

However decided one's sympathy with efforts to advance all legitimate specialties, still the good of the general practitioner must rise superior to all other considerations. For this reason, every attempt to directly separate any class of specialists from the mass of their fellows is to be deprecated. The ophthalmologists of this country, for instance, who comprise among their number some of your most worthy brethren, are doing much for the glory of medicine; yet it is to be lamented that they should desire, by organizing themselves into a separate association, practically to dissociate their department from its legitimate and influential connection with the parent body, as one of its chief and strongest supports.

Through your so-called Sections, wisely and, if thought necessary, permanently organized, all the work of special organizations can be effected as thoroughly as by any other method, and with infinitely more advantage to the mass of the profession.

2. Whatever redounds to the advantage of this Association, either as regards the respect and honor in which it is held or the influence it is enabled to exert, is necessarily also to the advantage of its individual members, and the institutions, whether hospitals, societies, or schools, that they represent. This body should be considered, as was the aim of its founders, the exponent of American medical position and scientific acquirement. That the possibility of this actually taking place has been in some quarters inconsiderately made light of, is neither proof nor argument that it cannot be effected. Selection you have from all worth the culling. It only requires a wise combination of forces to render these, your forces, effective powers—effective to raise the standard of medical education, practice, and result. You cannot afford to allow any of your main departments to attempt an independent crusade.

In union alone is there the completest strength, and the strength of the whole is in reality the strength of each individual of your numbers from the profession at large.

3. There can be no doubt as to the advantage to the great class of the insane, of a more direct and personal interest in their welfare on the part of physicians generally, than now obtains. Were it absolutely certain that there could be no possible advance in the knowledge and treatment of insanity, the case might be different; but the experience of the past with all its great changes, most of them reforms, teaches otherwise. That our asylums are so excellently managed, officered by such competent superintendents, and fruitful to the extent they are of improvement in their patients, affords undoubted cause for laudation; but this is a very different thing from being perfect. The mere fact that so large a proportion of insane patients has thus far proved incurable is surely a reason for bending to the subject the scrutiny of a larger and larger number of skilled investigators, and so perhaps eventually working for the insane of the present day as great a revolution in respect to improvement as was effected by Pinel for those of the past. As one most efficient agent towards such increased interest in the study of insanity would be found a closer union of superintendents with your own association.

4. To the community there would be gains, over and above these already enumerated, were the Association reinforced by those gentlemen who have practically seceded from its ranks. There exists still too prevalently the feeling that asylums for the insane are in reality but prisons, under a less repulsive name. It is needless to deny the fact. Every physician is aware of the impression to which reference is now made, and of the check it exerts in many unhappy instances upon the needed transference of a patient to a more suitable and healthful mental atmosphere.

Now asylums should be stripped of this odium still clinging to them, for which there was formerly but too good reason. They should be made and should be shown to be, first and foremost, not houses for detention, but hospitals for cure; and this can best be done by encouraging a more extensive knowledge of insanity in all its phases on the part of the general practitioner. Were this obtained, prejudices would be softened or effaced, patients would often be earlier submitted to proper treatment, a point vital for their chance of cure, and many more valuable members of the community saved to it, to their families and to themselves.

5, and finally. In claiming that even the interests of psychology and of superintendents would be benefited by the measure you instructed your delegate to urge, no more is stated than the facts in the case prove to be true. At Pittsburg it was alleged, privately and publicly, by more than one superintendent that if the proposed union were effected, it would be the death-blow to their own association. Such a result is not the object that yourselves have aimed to effect. Granting, however, that it should occur, would the dissolution referred to prove in reality detrimental to the best interests of medicine? That superintendents should desire to cultivate to a higher degree the brotherly feeling likely to exist among gentlemen engaged in a kindred occupation, where there is little or no possibility of their interfering with each other, is a very pleasant thing. Equally agreeable is it for one of their number each year to be able to exhibit his own establishment to his fellows, receive the encomiums certain in their generous rivalry to be deserved, and gain for himself the cumulative experience of so many kindly critics. But on the other hand, in medicine, the good of the greater number is sure, in the long run, to claim its own; and here in your midst are hungry souls, craving for the cases, countless almost as the sands on the sea-shore, of partial, incipient, or confirmed insanity, that as yet have never been at an asylum or have been discharged as fit to remain at home, or incurable, more satisfying food regarding their rational causation, their treatment or the prevention of the disease. These hospital superintendents have been set apart from their fellows, in part at least, because of their supposed illuminating power. Freed from the present self-imposed bushel of their own association, then would their light shine so as to brighten the whole professional firmament.

The officers of hospitals are compelled to rest, for a certain measure of their reputation, their influence, their power, upon yourselves outside; for it is by you that patients are advised to admission, their certificate of entrance signed, and the therapeutic judgment and conduct of those who take them in charge indorsed, in case, as so often happens, an appeal is made from themselves to a more public tribunal. It is you moreover who are to pronounce, year after year, and generation after generation, whether the same advance is made in the treatment of insanity that the divine mistress whom we all serve has a right to exact from her votaries. No branch of medicine can be disengaged from all others with safety to itself. Keeping aloof from the rest, it is easily distanced

and becomes effete. Or if arrogantly claiming for itself exclusive rights, it by that act challenges an examination into the grounds of its assumption; if these prove lacking, then comes for it inevitably a fall from its high estate.

Pregnant with practical and practicable idea as is every relation of your profession to that great sickness, insanity, worse than mortal, when incurable, there is one other point to which in this connection, your delegate deems it well to draw your attention.

It is well known that of all the cases interesting to medical jurists that enter our civil and criminal courts, those of insanity are the most perplexing. From the general initiatory question, in what does insanity consist, down to the special one of each particular occasion, was or is this person insane, there is often exhibited a great and very conflicting diversity of sentiment; much of it undoubtedly necessary, because inherent in the questions themselves, and much of it capable of being removed. There is an equal variance of sentiment as to who shall, and who shall not be permitted to express his opinion as an expert, and who shall be entitled to credence. There exist, upon this point, wide extremes of opinion. Dr. Ray, for instance, in his *Medical Jurisprudence*, and the able editor in chief of the *American Journal of Insanity*, Dr. Gray, of the Utica Asylum, as I have elsewhere shown, would confine this privilege or this ability to the few wise men who happen to hold positions at the head of an asylum. Sir Benjamin Brodie, on the other hand, a psychologist of no mean repute, extends it even to those beyond the ranks of the general profession, and declares that "it is a great mistake to suppose that this is a question which can be determined only by medical practitioners." "Any one," he says, "of plain, common sense, and having a fair knowledge of human nature, who will give it due consideration, is competent to form an opinion on it; and it belongs fully as much to those whose office it is to administer the law, as it does to the medical profession." (*Mind and Matter; or, Physiological Inquiries*, p. 105.)

A similar opinion has been expressed by one of your own body, the distinguished American editor of the *Cyclopedia of Practical Medicine*, Dr. Dunglison, of Philadelphia. Says this gentleman, "In regard to the nature of the testimony relied upon in cases of insanity, and the mode of judging of the same, there is much room for animadversion. Too great weight appears to be given to medical testimony in such cases. It has always been the expressed convic-

tion of the writer, that medical men are no better judges of the existence of mental alienation, than well-informed and discriminating individuals not of the profession. The only advantage, at least, which they can be presumed to have, is from the constant habits of observation and discrimination, which the practical exercise of their profession requires. Yet, for no other reason than that they belong to the medical profession, inferior men, whose judgments on any other subject would be contemned, are often called upon to decide and establish the existence or non-existence of a mental condition which demands the most careful and rigid scrutiny."

The same difference of opinion, shown above to obtain among medical men, exists also among the expounders of the law. Thus Wharton, justly celebrated alike for his treatise on Medical Jurisprudence and his several works upon Criminal Law, states that "no jurymen, if properly tender of his conscience and of public opinion, will base his verdict upon other evidence than that of those best able from long training and close attention, to understand the features of the case. In some cases the difference between a scientific, or technical opinion, and that of a layman, is not so much in the results attained, as in the guarantee afforded by the superior attainments and more minute expertness of the man of science. The declaration of such a man is insured against the possibility of error to the full extent of the protection of science in its present stage of development. *Pro soro*, this degree of certainty is sufficient, because it is the highest attainable; but the same cannot be said of any other." (*Medical Jurisprudence*, § 91.)

Carried into court, however, it is found that the rulings upon this point have been diametrically opposed to each other. In New York the Court of Appeals has decided, though with a strong dissenting sentiment, that none but professional witnesses are competent to testify on the subject of insanity (*Dewitt v. Barley & Schoonmaker*, 5 Selden, 371), while the Supreme Court of the same State admits the opinions of laymen (*Culver v. Haslem*, 7 Barb. 314). In Pennsylvania the point has been settled in favor of admitting the testimony of non professional witnesses (*Rambler v. Tryan*, 7 Serg. & Rawle, 90; *Wogan v. Small*, 11 Serg. & Rawle, 141). In Connecticut, decisions have been of a similar character (*Grant v. Thompson*, 4 Conn. 203). In Indiana, provided the facts are stated upon which his opinions are founded, an unprofessional witness may express his opinion regarding the existence of insanity (*Doe v. Reagan*, 5 Black. 217). The same is true in Ten-

nessee, North Carolina and Ohio (*Gibson v. Gibson*, 9 *Yerger*, 329; *Clary v. Clary*, 2 *Iredell's Law Rep.* 78; *The State v. Clark*, 12 *Ohio*, 483); and in Vermont also (*Lester v. Pittsford*, 7 *Verm.* 158; *Morse v. Crawford*, 19 *Id.* 499).

In view of these facts, either of the above-mentioned extreme decisions being disadvantageous to the mass of your profession, as refusing to you, on the one hand, competence to express any opinion in cases which you may perhaps have watched closely for years, and extending, on the other, equal rights and privileges with yourselves, in purely professional matters, to the most unprofessional persons, it is not improper to urge upon you action, which, if taken, will also serve to render the measure you have thus far in vain proposed effective. The action advised is as follows: to render the study of medical jurisprudence, in which insanity holds so important a place, more prominent at our medical schools than it has ever yet been.

Of the propriety of such a step, few of our teachers have ever doubted. It has more than once been urged upon this Association, in the valuable reports upon the subject presented to you by Drs. Coventry, of Utica, and Reese, of New York City. Now that the Association has again risen, with more than youthful vigor, from the ashes of the past, it should be no vain hope that the wise suggestions made to you nearly ten years since may be carried into effect. Long ago it was the complaint of that Nestor of American psychological writers, Dr. Pliny Earle, that this "subject of insanity does not enter into the programme of lectures in any of our leading medical schools. It is safe, perhaps, to assert," he says, "that not one in ten of the graduates of those schools has ever read a treatise upon mental disorders." "Indeed," says one of your reporters to whom I have referred, "the department of medical jurisprudence itself is either wholly ignored in the curriculum of our universities and colleges, or merely appended to some other chair or chairs, by way of formal recognition, and this, for the most part, *stat nominis umbra*." And again: "The demands of our civil and criminal courts all over the land, for competent and intelligent medical testimony, must be met by raising up an army of experts in every department of medical jurisprudence, and especially on this important topic of mental aberration. Else the ignorance of too many physicians, displayed before the courts and juries, may lead to the undervaluation, if not the rejection, of medical evidence in all such cases." (Report on Moral Insanity in its Relations to Medical Jurisprudence, *Transactions of the American Medical Association*, 1858.)

Attempts have been made, it is true, to initiate a change, but, at best, they have been but feeble and imperfect. At Harvard University the special subject of insanity is lectured upon by Dr. Tyler, and, at Pittsfield, Dr. Earle was called not long since to a similar duty, until forbidden to pursue the subject by the trustees of his asylum, upon the ground that it took him from the more legitimate offices of his position as superintendent. As yet the evil upon which he himself so forcibly commented remains unchanged. In but few of our schools, whether of medicine or of law, is the important subject of medical jurisprudence viewed with a tithe of the interest it deserves; in others, if touched upon at all, it is only as an appendage, like a caudal fin, as has well been said by one of its own professors, to some other chair, improperly considered as of more importance. This indifference has no doubt, in part, been owing to the lack of competent instructors, who, to be properly fitted for their task, should themselves be masters alike of medicine and of the law. Teachers, however, would have been long since forthcoming, had the colleges called for them. As a strong proof of the argument now made, let your delegate state that in a letter lately received from that justly eminent and very competent instructor, Dr. John Ordronaux, of New York, the fact is mentioned that this gentleman now lectures upon medical jurisprudence in no less than five professional schools, to wit, two law and three medical; and these, it is perhaps not too much to say, are almost the only instances in which this science is as yet at all properly taught in this country.

There is no class of experts against whom the bolts of legal practitioners, alike counsel and judges, have been so unsparingly hurled, as against those claiming to speak as medical jurists. Particularly does this occur in cases of insanity; and in none has so much real damage been done to the profession, not always, either, with entire injustice. The exigencies of the case, aggressive and defensive, have been so great, that the subject has lately been taken in hand, with a view to decided action, by one of the highest courts of professional appeal in the country, the American Academy of Arts and Sciences, the whole matter being now under examination by a committee, of which the Chief-Justice of Massachusetts is chairman, and of which your delegate has the honor to be a member. As parties deeply interested in any movement that can better yourselves and advance the interests of the profession, it lies with you to assist in this work.

Your delegate would therefore, while trespassing no longer upon your patience by argument, offer for adoption two mutually dependent resolutions, the second of them being based, he would recall to your recollection, upon action taken at your last meeting, at the suggestion of Dr. Edward Jarvis, the well-known statistical psychologist, in accordance with which a Section of Psychological Medicine, intended more particularly for the reception of the superintendents, was organized by this Association. It is a source of great satisfaction that yesterday, for the first time, the new section was formally convened. The high character of the half dozen gentlemen, all of them connected with the specialty of insanity, who took part in its deliberations, and the important work that they accomplished, which was no less than assigning a special scientific investigation to the most celebrated member of their fraternity, Dr. Isaac Ray, of Rhode Island, are an earnest that your interests in this direction will not be allowed to languish. More is required, however, than has thus far been effected. It is necessary that the great body of superintendents should convene at the same time and place with yourselves, and thus, without in reality interfering with their enjoyment and their consentaneousness of action, that their interests should become more clearly identified with your own.

The resolutions now offered are the following; for their passage still additional arguments would have been presented, had such seemed necessary:—

1. *Resolved*, That the Association recommend to the several medical and law schools of the country the establishment of an independent chair of medical jurisprudence, to be filled, if possible, by teachers who have studied both law and medicine; attendance upon one full course of lectures from whom shall be deemed necessary before the medical degree is conferred.

2. *Resolved*, That while this Association regrets that the Association of Superintendents of American Asylums for the Insane has not yet thought fit to unite itself more closely with the representative body of American physicians, it still is of opinion that such union is for their mutual and reciprocal advantage, and that it ought to be effected without further delay.

All of which is respectfully submitted.

HORATIO R. STORER, M. D.,

Delegate, &c.

[The resolutions above presented were unanimously adopted by the Association.]

